

RESOLUTION 47 -2010
CITY OF READING CITY COUNCIL

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program ("RACP"); and

WHEREAS, the City of Reading has identified the redevelopment of Francis Hall on the campus of Alvernia University ("Alvernia") as a project eligible for such assistance (the "Project"); and

WHEREAS, the Project will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact through the enhancement of Alvernia's campus.

NOW THEREFORE BE IT RESOLVED, that the Mayor is authorized to file an application for RACP funds in the amount of \$500,000.00 for Alvernia. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania.

Adopted on May 10, 2010

By: Vaughn D. Spencer
President of Council

ATTEST:

Linda A. Kelleher
Linda A. Kelleher
City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 10 day of May, A. D. 20 10. Witness my hand and seal of the said City this 10 day of May, A. D. 20 10.

Linda A. Kelleher
CITY CLERK

COOPERATIVE ECONOMIC REDEVELOPMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2010, by and between the CITY OF READING (referred to as "City"), a Pennsylvania municipal corporation with its main office at 815 Washington St., Reading, PA 19601, and ALVERNIA UNIVERSITY (referred to as "Alvernia"), a Pennsylvania non-profit corporation with its main office at 400 Saint Bernardine Street, Reading, PA 19607-1799.

BACKGROUND

A. The City has expressed its desire to facilitate the redevelopment of Francis Hall on the campus of Alvernia, 400 Saint Bernardine Street, Reading, Berks County, Pennsylvania (referred to as the "Project").

B. The City has passed Resolution ____-2010, a copy of which is attached hereto as Exhibit "A", authorizing the Mayor of the City to obtain various funding for the Project and also authorizing him to execute all necessary documents and agreements to complete the Project.

C. In accordance with its Bylaws, Alvernia's Executive Committee has passed a Resolution authorizing Alvernia to apply, through the City, for a RACP grant and also authorizing the Vice President of Alvernia to execute all necessary documents and agreements to complete the project. A copy of said Resolution is attached hereto and incorporated herein as Exhibit "B."

D. The Project will provide employment opportunities in the City, promote economic development in the City and have a regional, multi-jurisdictional impact through the advancement of Alvernia's campus.

E. The City through its Mayor has specifically applied for a RACP grant in the amount of Five Hundred Thousand Dollars (\$500,000) for the Project with Alvernia as subgrantee.

F. The City has executed a RACP Grant Agreement for the Project (Contract No. ME _____) (referred to as "Grant Agreement"), a copy of which is attached hereto as Exhibit "C".

G. The Grant Agreement requires the City and Alvernia to enter into a Cooperative Economic Redevelopment Agreement.

NOW, THEREFORE, INTENDING TO BE LEGALLY BOUND, the parties agree as follows:

1. The Background Clauses set forth above are incorporated herein by reference.
2. The City and Alvernia shall use their best efforts to achieve completion of the Project, execute any necessary documents related thereto and shall comply with any and all RACP terms and conditions of the Grant Agreement and the Redevelopment Assistance Program.
3. This Agreement shall not be recorded by either party.

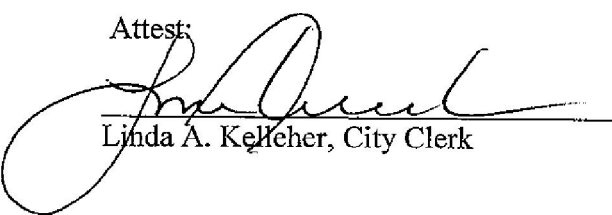
IN WITNESS WHEREOF, the parties intending to be legally bound hereby set their hands and seals on the day and year first above written.

CITY OF READING

By: 

Thomas M. McMahon, Mayor

Attest:


Linda A. Kelleher, City Clerk

ALVERNIA UNIVERSITY

By: _____

Douglas F. Smith, Vice President



CITY OF READING, PENNSYLVANIA

LAW DEPARTMENT
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CHARLES D. YOUNGER, ESQUIRE
CITY SOLICITOR

MICHELLE R. MAYFIELD, ESQUIRE
LEGAL SPECIALIST

TONYA A. BUTLER, ESQUIRE
LEGAL SPECIALIST

May 11, 2010

Richard C. Dreher
Director
Bureau of Revenue, Cash Flow and Debt
Office of the Budget
Bell Tower - 7th Floor
303 Walnut Street
Harrisburg, PA 17101-1808

**RE: PROJECT NAME: ALVERNIA UNIVERSITY FRANCIS HALL
REDEVELOPMENT**

APPLICANT: CITY OF READING

GRANT AMOUNT: \$500,000

FUNDING SOURCE: REDEVELOPMENT ASSISTANCE CAPITAL

CONTRACT NO.

Dear Director Dreher:

The undersigned, being duly licensed and in good standing to practice law in the State of Pennsylvania, is acting as legal counsel to the City of Reading, Pennsylvania, in my capacity as City Solicitor. This opinion is issued in connection with that certain application and approval of a grant for the Alvernia University Francis Hall Redevelopment Project as memorialized in a grant agreement.

In my capacity as legal counsel, I have made an examination and investigation of all such matters of fact and questions of law as I consider necessary or advisable to enable me to render the opinion hereafter set forth. Specifically, and without limiting the generality of the foregoing, I have examined the contract between the Commonwealth of Pennsylvania (acting through the Office of the Budget) and the City of Reading as well as the application for grant assistance. This is basically a redevelopment grant transaction involving the redevelopment of Francis Hall on the campus of Alvernia University in the City of Reading. Additionally, I have reviewed the resolution which was passed by City Council, the governing body of Reading, PA, authorizing the City of Reading, PA, to enter into the transaction and authorizing the Mayor of the City of Reading, PA, to execute documents on behalf of the City.



Based on the foregoing review, investigation, and examination of applicable statutory authority and the City of Reading's Home Rule Charter, I am of the opinion that:

1. The City of Reading, PA has authorized this transaction and has authorized Thomas M. McMahon in his capacity as the Mayor to execute relevant documents on behalf of the City of Reading, PA for this transaction. The Contract/Agreement has been duly executed by the aforementioned representative of the City of Reading, PA. The undertakings of the City of Reading, PA in the Contract/Agreement are valid and enforceable, subject to the execution of the Contract/Agreement and related documents by the other parties thereto, as applicable.

2. Specifically, the pledge of the Redevelopment Assistance Capital grant funding (and federal funding) by the City of Reading, PA for the subject project is valid.

3. There is no outstanding, or to my knowledge threatened, action, suit, proceeding, investigation or litigation by or against the City of Reading, PA which will affect the validity of the Contract/Agreement or the pledge of the Redevelopment Assistance Capital grant (and federal funding).

Sincerely,



Charles D. Younger, City Solicitor

Enclosure